

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4  
5

6 IN RE: HIGH-TECH EMPLOYEE )  
7 ANTITRUST LITIGATION )  
8 ) No. 11-CV-2509-LHK  
9 THIS DOCUMENT RELATES TO: )  
10 ALL ACTIONS. )  
11 \_\_\_\_\_ )  
12  
13  
14

15 VIDEO DEPOSITION OF CHUONG NGUYEN  
16 February 14, 2013  
17  
18

19 REPORTED BY: GINA V. CARBONE, CSR NO. 8249, RPR, CCRR  
20  
21  
22  
23  
24  
25

11:17:00 1 else?

11:17:01 2 A. I don't know.

11:17:03 3 Q. You said it was primarily -- "For me it was  
11:17:08 4 primarily the conversation I had with the hiring  
11:17:10 5 manager. They would give me the range."

11:17:11 6 Was there ever a different circumstance where  
11:17:15 7 you got the range from someone besides the hiring  
11:17:17 8 manager?

11:17:18 9 A. I don't recall.

11:17:27 10 Q. If you turn to the first page of that exhibit,  
11:17:30 11 on May 5th you write to him --

11:17:33 12 MS. ZENG: Just slow down a little bit.

11:17:34 13 We're still on 738.

11:17:37 14 THE WITNESS: I'll put this one away.

11:17:38 15 MS. ZENG: Yeah.

11:17:39 16 MS. SHAVER: Q. Thank you.

11:17:43 17 A. First page you said?

11:17:44 18 Q. Yeah. On the first page, the second email from  
11:17:45 19 the top, on Wednesday, May 5th you write, "From our  
11:17:51 20 perspective, the ceiling at 145K is probably a little  
11:17:55 21 flexible but we will definitely not be able to hit 200K  
11:18:00 22 from a base salary perspective."

11:18:04 23 Do you see that?

11:18:05 24 A. Uh-huh.

11:18:07 25 Q. So the one -- the ceiling at 145K is about

11:18:12 1 15,000 higher than the range that you told him the day  
11:18:18 2 before, right?

11:18:19 3 A. Uh-huh.

11:18:23 4 Q. Is that something that you had discretion as a  
11:18:30 5 recruiter to offer to bump up the range to meet a  
11:18:39 6 candidate's requirements?

11:18:41 7 A. I did not have authority to give him that  
11:18:44 8 offer, if that's what you are asking.

11:18:46 9 Q. Okay. Did you give him that offer  
11:18:49 10 unauthorized?

11:18:53 11 A. I didn't -- if I read this email correctly, I  
11:18:56 12 didn't give him that offer. I just said we might be  
11:18:58 13 able to do this or something like that. Let me read  
11:19:02 14 through it.

11:19:04 15 "Probably" I think is the word I used I would  
11:19:06 16 highlight.

11:19:11 17 Q. So if you wanted to deviate from the range that  
11:19:13 18 you were given from the hiring manager, did you need to  
11:19:16 19 get approval?

11:19:17 20 A. Yes.

11:19:18 21 Q. And who did you need to get approval from?

11:19:20 22 A. The hiring manager.

11:19:22 23 Q. Okay. And do you know whether the hiring  
11:19:24 24 manager had to get approval from someone else to do  
11:19:26 25 that?

11:19:26 1 A. Yes.

11:19:27 2 Q. From whom?

11:19:29 3 A. Their boss.

11:19:38 4 Q. From their boss. Okay.

11:19:50 5 You can put that aside. Thanks.

11:19:53 6 A. Okay.

11:19:54 7 Q. You, yourself, were cold called by Google,

11:19:58 8 right?

11:20:00 9 A. Yes.

11:20:03 10 Q. How many times?

11:20:06 11 A. I recall once.

11:20:08 12 Q. And when was that?

11:20:12 13 A. A year or two ago, approximately.

11:20:16 14 Q. So 2011 or 2012?

11:20:18 15 A. Maybe. Probably.

11:20:21 16 Q. And what was your response?

11:20:24 17 A. I said let's talk. And I talked to the

11:20:30 18 recruiter and then -- and then I talked to the hiring

11:20:36 19 manager.

11:20:37 20 Q. And what was the outcome?

11:20:39 21 A. It didn't work out, so I stayed with Intuit.

11:20:42 22 Q. Why didn't it work out?

11:20:47 23 A. Not sure, actually.

11:20:49 24 Q. But you weren't given an offer?

11:20:51 25 A. No.

11:21:08 1 MS. SHAVER: Please mark this Plaintiffs'

11:21:10 2 Exhibit 739. This is INTUIT\_009519.

11:21:31 3 (Whereupon, Exhibit 739 was marked for

11:21:31 4 identification.)

11:21:37 5 MS. SHAVER: Q. Is this the cold call you

11:21:39 6 remember receiving from Google?

11:21:41 7 A. Yes.

11:21:42 8 Q. Does this refresh your recollection that it

11:21:44 9 happened in January 2010?

11:21:47 10 A. Yes.

11:22:05 11 Q. Have you ever applied to work for Google?

11:22:07 12 A. No.

11:22:11 13 Q. But when you received this cold call, it piqued

11:22:15 14 your curiosity?

11:22:17 15 A. Yes.

11:22:21 16 Q. After you met with the -- after you spoke with

11:22:23 17 the recruiter and the hiring manager, were you still

11:22:26 18 interested in working for Google?

11:22:28 19 A. I was neutral.

11:22:30 20 Q. Neutral.

11:22:51 21 Will you please mark this Plaintiffs' Exhibit

11:22:54 22 740. This is INTUIT\_009540.

11:23:21 23 (Whereupon, Exhibit 740 was marked for

11:23:21 24 identification.)

11:23:22 25 MS. SHAVER: Q. Do you recognize this

11:45:48 1 environments.

11:45:49 2 Q. Any other criteria?

11:45:51 3 A. Yes.

11:45:56 4 MS. SHAVER: This would be a good time to take  
11:45:58 5 a break.

11:46:00 6 THE VIDEOGRAPHER: This is the end of video  
11:46:01 7 No. 2. The time is 11:46 a.m. We're going off the  
11:46:05 8 record.

11:46:10 9 (Recess taken.)

11:58:26 10 THE VIDEOGRAPHER: This is the beginning of  
12:02:28 11 video No. 3 in the deposition of Chuong Nguyen. The  
12:02:33 12 time is 12:02 p.m. We're back on the record.

12:02:38 13 MS. ZENG: Before we get started, I just wanted  
12:02:41 14 to say the witness would like to read and sign the  
12:02:43 15 deposition.

12:02:48 16 MS. SHAVER: Q. When a job requisition is  
12:02:51 17 opened, who decides what the salary range for that  
12:02:55 18 job will be?

12:02:56 19 MS. ZENG: Objection. Lacks foundation. Calls  
12:02:57 20 for speculation.

12:02:59 21 MR. KIERNAN: Can we -- real quick, can we just  
12:03:01 22 do maybe time and then either executive recruiting and  
12:03:05 23 technical? Just so we have -- I just want the  
12:03:09 24 record....

12:03:11 25 MS. SHAVER: Sure.

12:03:16 1 Q. When you were a technical recruiter, when a job  
12:03:23 2 requisition was opened, who decided what the salary  
12:03:25 3 range for that job would be?

12:03:31 4 MS. ZENG: Objection. Lacks foundation.

12:03:32 5 THE WITNESS: I'm not sure.

12:03:33 6 MS. SHAVER: Q. When you went -- when you  
12:03:37 7 were technical recruiter and you were given a  
12:03:38 8 requisition to find candidates for -- who gave you  
12:03:41 9 the salary range?

12:03:42 10 A. The hiring manager.

12:03:45 11 Q. And I believe you testified earlier you are not  
12:03:48 12 sure if the hiring manager came up with it or got it  
12:03:51 13 from someone else, right?

12:03:52 14 A. Yes.

12:03:54 15 Q. Does Intuit have an employee compensation  
12:03:57 16 department?

12:03:59 17 A. We do, yes.

12:04:00 18 Q. What's it called?

12:04:03 19 A. Right now, I think it's called Total Rewards or  
12:04:06 20 something like that.

12:04:07 21 Q. Do you know what it was called when you were  
12:04:09 22 technical recruiter?

12:04:11 23 A. I don't recall.

12:04:12 24 Q. Was it called something besides Total Rewards?

12:04:16 25 A. Maybe comp and benefits. I don't know.

12:04:19 1 Q. When you were technical recruiter, did you work  
12:04:23 2 with the compensation and benefits staff?

12:04:29 3 A. I don't recall. I don't think so.

12:04:34 4 Q. Did you ever have conversations with the  
12:04:38 5 compensation and benefits staff?

12:04:45 6 A. Yes. But I think it was part of, like, a  
12:04:47 7 broader kind of talking to our entire team.

12:04:54 8 Q. Entire HR team?

12:04:55 9 A. The recruiting team.

12:04:57 10 Q. Recruiting team.

12:05:03 11 At that period in time, do you know whether the  
12:05:06 12 compensation and benefits team had a role in deciding  
12:05:09 13 what salary range for a job requisition would be?

12:05:18 14 A. They provided the guidelines. That's all I  
12:05:20 15 know.

12:05:22 16 Q. Who did they provide the guidelines to?

12:05:24 17 MS. ZENG: Objection. Vague. Lacks  
12:05:25 18 foundation.

12:05:26 19 THE WITNESS: The HR partner that works with  
12:05:29 20 the hiring manager.

12:05:33 21 MS. SHAVER: Q. Are those the same  
12:05:35 22 guidelines that your hiring partner -- excuse me,  
12:05:38 23 your hiring manager conveyed to you?

12:05:41 24 A. I don't know.

12:05:44 25 Q. But for your purposes as a technical recruiter,



12:05:47 1 you went by what your hiring manager gave you as a  
12:05:49 2 salary range?

12:05:50 3 A. Yes.

12:05:52 4 Q. Do you know if that was the practice of other  
12:05:54 5 technical recruiters?

12:05:55 6 A. I don't know.

12:06:02 7 Q. When you were a technical recruiter, if you  
12:06:05 8 wanted to offer a candidate more than the range you were  
12:06:10 9 given, who did you need approval from?

12:06:15 10 MS. ZENG: Objection. Calls for speculation.

12:06:18 11 THE WITNESS: I'd take it to the hiring manager  
12:06:20 12 first, and that's pretty much what I did. Yeah.

12:06:25 13 MS. SHAVER: Q. Did you need to involve  
12:06:26 14 the compensation and benefits team at all?

12:06:29 15 A. I don't recall involving them. You are  
12:06:32 16 referring to the technical recruiting phase?

12:06:37 17 Q. Yes.

12:07:16 18 As an executive recruiter, do you work with the  
12:07:20 19 Total Rewards team?

12:07:21 20 A. Yes.

12:07:23 21 Q. And how do you work with the Total Rewards  
12:07:25 22 team?

12:07:29 23 A. Primarily during the offer negotiation phase.

12:07:34 24 Q. And what's their job or their role in the offer  
12:07:38 25 negotiation phase?

12:07:39 1 A. To give counsel on what they recommend an offer  
12:07:42 2 package should look like.

12:07:44 3 Q. Who makes the final decision on what the offer  
12:07:47 4 package should be or is? Excuse me.

12:07:50 5 A. The hiring manager and his or her boss.

12:08:01 6 Q. Do you also offer counsel on what the  
12:08:04 7 compensation package should be?

12:08:06 8 A. Yes, I do. You are referring to the executive  
12:08:20 9 recruiting phase?

12:08:21 10 Q. Yes.

12:08:21 11 A. Yes.

12:08:26 12 Q. As an executive recruiter do you still receive  
12:08:29 13 salary ranges or guidelines from the hiring manager?

12:08:37 14 A. Seldomly. More about finding the right person.

12:08:52 15 MS. CISNEROS: What do you mean by that?

12:08:55 16 THE WITNESS: They're more concerned about  
12:08:56 17 finding the right person and paying accordingly versus  
12:08:59 18 here's a range, find someone that fits it.

12:09:07 19 MS. SHAVER: Q. If a candidate -- in your  
12:09:09 20 job as an executive recruiter, if a candidate asks  
12:09:12 21 you what the salary for the job is, are you  
12:09:18 22 authorized to give an answer?

12:09:21 23 MS. ZENG: Objection. Calls for speculation.

12:09:24 24 THE WITNESS: The way I answer it is I tell  
12:09:26 25 them it depends on their experience and their salary

1 I, Gina V. Carbone, Certified Shorthand  
2 Reporter licensed in the State of California, License  
3 No. 8249, hereby certify that the deponent was by me  
4 first duly sworn and the foregoing testimony was  
5 reported by me and was thereafter transcribed with  
6 computer-aided transcription; that the foregoing is a  
7 full, complete, and true record of said proceedings.

8 I further certify that I am not of counsel or  
9 attorney for either of any of the parties in the  
10 foregoing proceeding and caption named or in any way  
11 interested in the outcome of the cause in said caption.

12 The dismantling, unsealing, or unbinding of  
13 the original transcript will render the reporter's  
14 certificates null and void.

15 In witness whereof, I have hereunto set my  
16 hand this day: February 21, 2013.

17 \_\_\_X\_\_\_ Reading and Signing was requested.

18 \_\_\_\_\_ Reading and Signing was waived.

19 \_\_\_\_\_ Reading and signing was not requested.

20

21

22

23

\_\_\_\_\_  
GINA V. CARBONE

24

CSR 8249, RPR, CCRR

25